

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EUNICE WELL SERVICING
COMPANY, INC.,

Plaintiff,

vs.

CIV 09-0577 KBM/GBW

FIREMAN'S FUND INSURANCE
COMPANY,

Defendants.

ORDER TO SHOW CAUSE AND RESETTING SCHEDULING CONFERENCE

This matter is before me *sua sponte*. On June 17, 2009, I issued an Initial Scheduling Order that required the parties to be available by telephone at 11:00 a.m. on July 30, 2009, for a Rule 16 Scheduling Conference. *Doc. 7*. In that Order I notified Counsel for the Plaintiff, Mr. Richard R. Fletcher, that he was in charge of initiating and coordinating the telephonic conference call to my Chambers for the scheduling conference. *Id.*

Contrary to this order, Mr. Fletcher did not initiate the conference call at the appointed time. When his office was called by my staff at 11:04 a.m. on July 30, 2009, they reached only an answering machine. Not only was Mr. Fletcher not available for the hearing, but he did not make arrangements for another associated attorney to be available in his place or inform the Court prior to the conference that he would not be able available for the hearing.

Counsel for the Defendants did in fact call in to Chambers to let me know they never received a conference call for the hearing but were available for it.

Accordingly, Plaintiff's attorney, Richard Fletcher, Esq., is hereby ordered to show cause, if there be any, why sanctions should not be imposed pursuant to Rule 16(f) of the Federal Rules of Civil Procedure for his failure to participate at the July 30, 2009 scheduling conference in this matter.

WHEREFORE,

IT IS ORDERED that Plaintiff's attorney, Richard Fletcher, Esq., shall appear in person in the 2d Floor Courtroom, Harold F. Runnels Federal Building, 200 E. Griggs Ave., Las Cruces, NM 88001 at 11:00 a.m. on August 28, 2009 to show cause, if there be any, why sanctions should not be imposed for his failure to call in for the July 30, 2009 scheduling conference. Failure to respond to this Order to Show Cause may result in a recommendation to dismiss this cause.

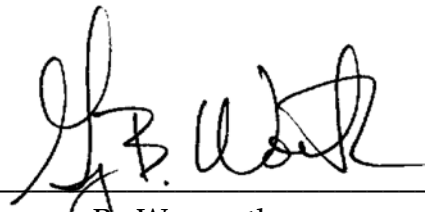
IT IS FURTHER ORDERED that Defendants' counsel may appear telephonically at this hearing. Counsel for Defendant Fireman's Fund Insurance Company is responsible for coordinating and initiating the call to 575-528-1460. A long-distance carrier is recommended to ensure sound quality.

IT IS FURTHER ORDERED that, immediately following this hearing, the Court will hold the scheduling conference originally scheduled for July 30, 2009.

IT IS FINALLY ORDERED that a copy of this signed Order shall be faxed and

mailed to Mr. Fletcher's office by chambers' staff.

IT IS SO ORDERED.



Gregory B. Wormuth
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any *pro se*
party as they are shown on the Court's docket.